



Kent A. Yalowitz
+1 212.836.8344 Direct
Kent.Yalowitz@arnoldporter.com

August 13, 2021

BY ECF

Hon. Debra Freeman
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Shatsky et al. v. Palestine Liberation Organization et al.*, No. 18 Civ.
12355 (MKV) (DF) — Letter Motion for Approval of Redacted Filing

Dear Judge Freeman:

Arnold & Porter is an intervenor in the above-referenced case for limited purposes.

We respectfully request permission to file in redacted form a letter-motion seeking the Court's assistance to resolve a dispute arising out of defendants' invocation of "functional immunity" in connection with deposition testimony.

Background

On March 11, 2021, this Court entered a protective order governing confidentiality of discovery materials. Superseding Stipulation and Order Concerning Production of Confidential Documents and Information (Mar. 11, 2021) [ECF 64].

On July 2, 2021, the Court granted a motion to intervene and modify the existing protective order to allow Arnold & Porter to access and use in *Sokolow* the confidential jurisdictional discovery materials produced in this case. Memo Endorsement Granting Unopposed Letter Motion for Permissive Intervention to Modify Superseding Stipulation and Order Concerning Production of Confidential Documents and Information (July 2, 2021) [ECF 95].

On August 6, 2021, Arnold & Porter obtained access to certain deposition transcripts and documents that were designated "confidential" by defendants. We have objected to defendants' designations of confidentiality.

Having failed to reach agreement promptly, we are addressing the dispute to this Court by letter-motion in accordance with Local Civil Rule 37.2, the Court's Order of Reference [ECF 93], and Paragraph 14 of the Stipulation and Order Concerning Production of Confidential Documents and Information (Mar. 11, 2021) [ECF 64].

Arnold & Porter

Hon. Debra Freeman
August 13, 2021
Page 2

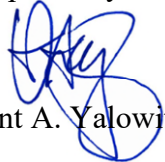
Discussion

Rule III.B of Your Honor's Individual Rules of Practice in Civil Cases, S.D.N.Y. Standing Order 19-MC-583, and Section 6 of the S.D.N.Y. Electronic Case Filing Rules and Instructions all require that the party filing a document under seal in the circumstances here presented seek the Court's permission. This letter-motion is therefore being filed in compliance with those requirements.

We are mindful of the Second Circuit's standards for access to judicial records. This request is not an assertion or admission that the letter-motion and supporting documents should be filed in redacted form. Rather, it is being made in compliance with the stipulated protective order.

Therefore, Arnold & Porter respectfully ask the Court for permission to file the letter and enclosed materials under in redacted form until the Court renders a decision on the letter-motion in issue.

Respectfully submitted,



Kent A. Yalowitz

cc: ECF Counsel